

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

GREEN EDGE ENTERPRISES, LLC	)	
	)	Case No. 4:02CV00566TIA
Plaintiff,	)	
	)	
v.	)	
	)	
RUBBER RESOURCES LTD., LLLP	)	
	)	
Defendant	)	
	)	
	)	
AND RELATED CLAIMS	)	
	)	
_____	)	

**RUBBER RESOURCES AND GREEN EDGE’S JOINT MOTION REGARDING  
SETTLEMENT AND ENTRY OF JUDGMENT**

Green Edge Enterprises, Lee Greenberg, Judy Smith and Rubber Resources Ltd. LLLP file this joint motion pursuant to a settlement agreement entered into by them. The above-named parties<sup>1</sup> have come to an agreement that resolves all pending disputes amongst themselves. There are several pending matters before the Court that will be addressed here. The above-named parties respectfully request that the attached Proposed Order be entered pursuant to their agreement.

\_\_\_\_\_  
<sup>1</sup> International Mulch and Michael Miller are not a party to this motion or the settlement agreement.

The Proposed Order resolves all of the pending matters before the Court except certification of the Lanham Act Claim. Most of that claim is also resolved by the Proposed Order. Addressing each of the matters pending before the Court:

The Patent Infringement Verdict

The settlement agreement disposes of this issue in the Proposed Order with a finding of invalidity of all of the '514 claims except Claims 3 and 8. To avoid the unnecessary expense of an appeal and possible remand to deal with Claims 3 and 8, the parties are in agreement that these two claims should be excluded from any finding of invalidity. The Proposed Order calls for Claims 1, 2 and 4-7 of the '514 patent to be found invalid pursuant to 35 USC § 102 and 103; any judgment regarding claims 3 and 8 is expressly vacated leaving the validity of these two claims undisturbed.

Rubber Resources Motion Pursuant to 35 USC § 285

Rubber Resources has a motion pending to find the case exceptional pursuant to 35 USC 285 (Doc 525). Green Edge filed an objection to this motion (Doc. 528), which it now withdraws. Green Edge stipulates to entry of judgment for Rubber Resources' pursuant to 35 USC § 285 in the amount of One Million Nine Hundred Seventy-Eight Thousand Seven Hundred Ninety-One and 77/100 Dollars (\$1,978,791.77).

Rubber Resources Motion for Costs

Rubber Resources has a motion pending for its Bill of Costs (Doc. 524) in the amount of

Twenty-One Thousand Two Hundred Eight and 23/100 Dollars (\$21,208.23). Green Edge withdraws its objection and stipulates to entry of judgment in the amount requested.

#### The Lanham Act

All of the parties, including International Mulch and Michael Miller stipulated, and the Court approved, withdrawing the Lanham Act claim from the jury and certifying the dispute for appeal. A motion to enter a Proposed Order (Doc 517-1) is still pending. The attached Proposed Order pursuant to Green Edge and Rubber Resources' settlement agreement calls for Rubber Resources to dismiss its Lanham Act claim against Green Edge, Lee Greenberg and Judy Smith. Thus the issue is moot as to Green Edge, Lee Greenberg and Judy Smith, but leaves Rubber Resources' Lanham Act claim pending against International Mulch and Michael Miller. Therefore, Rubber Resources respectfully asks that the Court enter the Proposed Order, Document 517-1 which would allow Rubber Resources to appeal that dispute.

#### Mr. Jacobson's Motion to Withdraw

On July 1, 2011, Mr. Jacobson filed a motion to withdraw his appearance on behalf of Green Edge, Lee Greenberg and Judy Smith (Doc. 541). Entry of the attached settlement agreement resolves all pending claims against the parties represented by Mr. Jacobson, thus mooting his motion to withdraw.

#### CONCLUSION

It is believed that entry of the attached Proposed Order resolves all pending motions

before the Court with the exception of certifying the Lanham Act dispute for appeal.

Accordingly, in the interest of judicial economy, Green Edge and Rubber Resources respectfully request the Court enter the attached Proposed Order.

DATED: July 5, 2011

Respectfully submitted,

/s/ Ronald Foster

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Attorney for Rubber Resources, LTD, LLP

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to all attorneys of record:

/s/ Ronald Foster